

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

D.V.D., *et al.*,

Individually and on behalf of all others
similarly situated,

Plaintiffs,

V.

U.S. Department of Homeland Security, *et al.*,)

Defendants.

No. 1:25-cv-10676-BEM

JOINT STATUS REPORT REGARDING CASE SCHEDULE

Pursuant to the Court's October 28, 2025 order (ECF No. 221), the Parties jointly submit this status report regarding their proposals for this case's schedule.

Defendants' Position:

Consistent with Defendants' October 28, 2025 request for an extension (ECF No. 220), Defendants propose the following schedule for briefing in this case.

1. **December 17, 2025:** Defendants will file their motion to dismiss and opposition to Plaintiffs' motion for partial summary judgement.
2. **December 31, 2025:** Plaintiffs will file their opposition to Defendants' motion to dismiss and reply in support of their motion for partial summary judgment.
3. **Hearing:** Defendants are available at the Court's convenience for a hearing during the weeks of January 12, 2025 and January 19, 2025.

There is good cause for an extension of the briefing schedule as follows:

1. Defendants will be filing a motion to dismiss in response to Plaintiffs' Complaint, and require additional time to respond fulsomely to the arguments and allegations contained in the Complaint and Plaintiffs' motion for partial summary judgment. Defendants must respond to Plaintiffs' *entire* complaint including Counts V and VI which were not subject to prior briefing in this case and are not the subject of Plaintiffs' partial motion for summary judgment.
2. Additionally, Defendants' opposition and motion will require multiple levels of review both within the Defendant Agencies and the Department of Justice. Such review could be further complicated due to the lapse in appropriations.
3. Undersigned counsel will also be on medical leave for 1-2 weeks beginning on November 3, 2025.
4. A shorter extension of the briefing schedule would conflict with the Thanksgiving holiday over which counsel for Defendants will be on leave.
5. A short 30-day extension, *for good cause*, would not prejudice Plaintiffs because, as they acknowledge, a declaratory judgment would not immediately alter the status quo in this case. *See* ECF No. 192 at 11 ("declaratory relief does not become final and binding until the appeals process concludes, *see, e.g., Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 155 (1963)").

Plaintiffs' Position:

Plaintiffs request that the Court adhere to the schedule for briefing and argument in the Court's electronic orders (Dkts. 218 and 219) and add argument on Defendants' forthcoming motion to dismiss to that schedule as follows:

- **November 17, 2025:** Defendants will file their motion to dismiss and their opposition to Plaintiffs' motion for partial summary judgment.
- **December 1, 2025:** Plaintiffs will file their opposition to Defendants' motion to dismiss and reply in support of their motion for partial summary judgment.
- **December 14, 2025:** Defendants will file their reply in support of their motion to dismiss.
- **December 16, 2025:** The Court will hold a hearing on Defendants' motion to dismiss and Plaintiffs' motion for partial summary judgment.

Good cause exists to adhere to the existing schedule. Every delay simply extends the period of time in which the Department of Homeland Security (DHS) is deporting class members to third countries where they face persecution or torture without meaningful notice and an opportunity to apply for protection from removal. *See, e.g.*, Dkt. 216 (addressing chain refoulement of 5 class members deported to Ghana); *Bonilla Alvarez v. Noem*, No. 1:25-cv-03136-AHA (D.D.C. Sept. 28, 2025) (Salvadoran national granted CAT protection deported to Mexico where he faces threat of chain refoulement to El Salvador); *Nuveen Kumar v. Wamsley*, No. 2:25-cv-2055 (W.D. Wash Oct. 21, 2025) (Indian national granted withholding of removal based on persecution and torture suffered because of sexual orientation challenges third country removal to Uganda—a country notorious for state persecution of LGBTQ individuals).

Defendants' assertion that they need additional time to obtain multiple levels of review of their opposition and motion does not constitute good cause. Defendants already have briefed these arguments multiple times before multiple courts and their positions are well-established. While it is Defendants' prerogative to now respond to the Complaint by filing a motion to dismiss, their choice to delay filing that motion does not justify extending the schedule as the Court can hear and decide both motions simultaneously.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Mary Larakers, Senior Litigation Counsel, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Mary L. Larakers

Mary L. Larakers

Senior Litigation Counsel

Dated: October 30, 2025